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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Respondent,

No. 2:02-cr-0246 WBS AC P  
2:12-cv-1957 WBS AC

11 vs.

12 OCTAVIO HERNANDEZ SUAREZ,

13 Movant.

ORDER

14 \_\_\_\_\_/  
15 Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set  
16 aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United  
17 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On April 5, 2013, the magistrate judge filed findings and recommendations herein  
19 which were served on all parties and which contained notice to all parties that any objections to  
20 the findings and recommendations were to be filed within twenty-eight days. Movant has filed  
21 objections to the findings and recommendations.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule  
23 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
24 file, the court finds the findings and recommendations to be supported by the record and by  
25 proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 5, 2013, are adopted in full;

2. Movant's July 25, 2012 motion to set aside a previous § 2255 judgment (Docket No. 213), and March 20, 2013 application for writ of audita querela (Docket No. 215) are hereby denied without prejudice; and

3. The Clerk of the Court is directed to close the companion civil case, No. 2:12-cv-1957 WBS AC.

DATED: April 29, 2013



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE